

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ORAL WHARWOOD and	:	
YVONNE WHARWOOD, h/w	:	
111 Banbury Avenue	:	
North Wales, PA 19454	:	
	:	
Plaintiffs	:	
	:	
v.	:	Civil Action No. 02-4616
	:	
DENNIS C. MATLACK	:	
211 Broadway Avenue	:	
Horsham, PA 19044	:	
and	:	
UNITED STATES POSTAL SERVICE	:	
600 Enterprise Drive	:	
Horsham, PA 19044	:	
	:	
Defendants	:	

O R D E R

AND NOW, this day of ,
2002 upon consideration of defendants' Motion for Extension of
Time to Respond to Complaint, and memorandum in support thereof,
it is hereby

ORDERED

that the time for defendants' response to the complaint is hereby
extended for 60 days until September 9, 2002.

BY THE COURT:

HON. MARY A. McLAUGHLIN, JUDGE

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211 Broadway Avenue	:	
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UNITED STATES POSTAL SERVICE	:	
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Horsham, PA 19044	:	
	:	
Defendants	:	

MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

AND NOW come the defendants, by and through their attorneys, Patrick L. Meehan, United States Attorney for the Eastern District of Pennsylvania, and Patricia D. Gugin, Assistant United States Attorney for the same district and hereby moves this Honorable Court as follows:

1. The above-captioned matter was commenced by Complaint in the Common Pleas Court of Philadelphia County on June 13, 2002.
2. The Complaint alleges that on or about August 10, 2000, plaintiff's vehicle was struck by a United States Postal Service vehicle operated by defendant Dennis Matlack.

3. Service on defendant United States Postal Service was made by delivering a copy of the Summons and Complaint to the Horsham, Pennsylvania Post Office.

4. The standard allotment of time accorded the United States of America to respond to a complaint under F.R.Civ.P. 12 is 60 days from date of service.

5. The date of removal from the Commonwealth Court was July 11, 2002.

WHEREFORE, the defendants respectfully request an extension of time in which to answer or otherwise plead to the Complaint until September 9, 2002, or 60 days after the action was removed to Federal Court.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

JAMES G. SHEEHAN
Assistant United States Attorney
Chief, Civil Division

PATRICIA D. GUGIN
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
(215) 861-8328
FAX: (215) 861-8349

Date: _____

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UNITED STATES POSTAL SERVICE	:	
600 Enterprise Drive	:	
Horsham, PA 19044	:	
	:	
Defendants	:	

MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Rule 6(b) of the Federal Rules of Civil Procedure
provides:

The Court for cause shown may at any time in
its discretion with or without motion or
notice order the period enlarged if request
therefore is made before the expiration of
the period originally prescribed.

On July 11, 2002, the United States of America filed a
Notice of Removal to remove the above-captioned matter from the
Philadelphia County Court of Common Pleas to this Court. Under
Rule 82(c) of the Federal Rules of Civil Procedure, the defendant
is required to answer a complaint within five (5) business days
after the filing of the Notice of Removal. Inasmuch as this
five-day period has not yet expired, defendant United States is

making a timely request for an extension of time in which to answer the complaint.

Pursuant to Rule 12 of the Federal Rules of Civil Procedure, the Office of the United States Attorney has sixty (60) days from the date service is perfected in which to answer a complaint against the United States.

Accordingly, the federal defendants respectfully request an extension of time in which to answer or otherwise plead to the Complaint until September 9, 2002 or 60 days after the removal to Federal Court.

Respectfully submitted,

PATRICK L. MEEHAN
United States Attorney

JAMES G. SHEEHAN
Assistant United States Attorney
Chief, Civil Division

PATRICIA D. GUGIN
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
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FAX: (215) 861-8349

Date: _____

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing defendants' Motion for Extension of Time to Respond to Complaint was served this date by first-class United States mail, postage prepaid, on the following:

Brian McVan, Esquire
162 South Easton Road
Glenside, PA 19038

PATRICIA D. GUGIN
Assistant United States Attorney

Date: _____